

**Committee Amendment No. 1
to S. B. No. 166.**

Amend Senate Bill No. 166, Section 2, paragraph (a), by striking out all of said paragraph down to and including the words "apartment house" in line 5 of said paragraph and inserting in lieu thereof the following, "in connection with, and as near as practicable to, each and every house or apartment house offered for rent, or situated on a rented farm, there shall be furnished an adequate water supply by furnishing."

**Committee Amendment No. 2
to S. B. No. 166.**

Amend Senate Bill No. 166 by inserting after Section 5 a new section to be numbered "Section 6," and which shall read as follows: "It shall be the duty of all county and municipal health officers to institute prosecutions for violations of this Act, in the county in which the act is committed, by filing information before a Justice of the Peace, and it shall be the duty of the County Attorney to prosecute all such cases arising in his county, and such officers are authorized to take such action as may be necessary to institute and carry out prosecutions against all violators of this act," and to renumber present Section 6 to conform with this amendment.

**Committee Amendment No. 3
to S. B. No. 166.**

Amend the caption of Senate Bill No. 166 by inserting after the word "therefor" and before the word "and" in the last line of said caption the following, "prescribing the duties of the Justice of the Peace and the County Attorney in the enforcement of this law."

THIRTIETH DAY.

Senate Chamber,
Austin, Texas, Feb. 24, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Buchanan of Scurry.
Bailey.	Caldwell.
Bell.	Carlock.

Cousins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Strickland.
Faust.	Sulter.
Floyd.	Westbrook.
Hall.	Williford.
Hertzberg.	Witt.
Hopkins.	Woods.
Johnston.	

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator McNealus.

Excused.

Senators Buchanan of Bell and Gibson were excused for this week on account of important business on motion of Senator Bailey.

Senator Clark for today on motion of Senator Westbrook.

Petitions and Memorials.

See Appendix.

Standing Committee Reports.

See Appendix.

Bills and Resolutions.

By Senators Alderdice, McNealus, Woods Strickland, and Dorough.

S. B. No. 333, A bill to be entitled "An Act to amend Section 56 of an Act constituting Chapter 44 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, providing for the creation of Conservation and Reclamation Districts, so as to make certain that the reassessment of benefits permitted by said section shall not render insecure any indebtedness of any district availing itself of the benefits of such section, and declaring an emergency."

Read first time, and referred to Committee on Mining and Irrigation.

By Senator Dayton:

S. B. No. 334, A bill to be entitled "An Act to regulate the purity, of paints, varnish, filler-stain, linseed oil, turpentine and all similar substances. And providing for branding and labeling of same and providing that the Dairy and Food Commissioner of this State shall make such rules and regulations that may be necessary for the enforcement of this Act, and providing penalties; and declaring an emergency."

Read first time and referred to Committee on Commerce and Manufacturing.

By Senator Hertzberg:

S. B. No. 335, A bill to be entitled "An Act creating the Leaky Independent School District, in Real County, Texas, providing a board of trustees therefor, vesting it with all rights, powers and duties of districts incorporated for school purposes only under the General Laws, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Buchanan of Scurry:

S. B. No. 336, A bill to be entitled "An Act to amend Article 1390, Title 28, Chapter 5, of the Revised Civil Statutes of the State of Texas of 1911, relating to the proceedings for the removal of a county seat."

Read first time and referred to Committee on Counties and County Boundaries.

By Senator Caldwell:

S. B. No. 337, A bill to be entitled "An Act to fix the salary of the Chairman of the State Highway Commission, and declaring an emergency."

Read first time and referred to Committee on Finance.

Simple Resolution No. 73.

Be it Resolved, by the Senate of Texas, that the Comptroller be requested to furnish, within 2 days, to the Senate a complete itemized list of all estates upon which inheritance taxes have been collected since June 25, 1917, together with the date upon which the same was paid, and what compensation was paid for the collection in each instance, the person or persons to whom such com-

pensation was paid, so as to show separately the taxes that were collected by the tax collectors of the various counties, and the amount collected by other persons under contract with the Comptroller.

HOPKINS.

The resolution was read and adopted.

Simple Resolution No. 74.

Resolved, That the head porter of the Senate and the mail porter be paid one dollar a day extra in addition to their regular pay effective from this date.

CALDWELL.

Senator Hopkins moved to table the resolution and this motion was lost by the following vote:

Yeas—3.

Dean.	Suiter.
Hopkins.	

Nays—17.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Cousins.	Strickland.
Dayton.	Westbrook.
Dudley.	Williford.
Floyd.	

Absent.

Buchanan of Scurry.	Smith.
Dorough.	Witt.
Faust.	Woods.
Page.	

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

Action recurred upon the resolution and the same was adopted.

Morning call concluded.

Senate Bill No. 96.

The Chair laid before the Senate on third reading:

S. B. No. 96, A bill to be entitled "An Act to amend Article 5490 of the Revised Statutes of 1911, relating to the leasing or renting of residences, stores, houses or other buildings, and providing for registration with County Clerks.

The bill was laid before the Senate, read third time and, on motion of Senator McNealus, was passed by the following vote:

Yeas—13.

Caldwell.	Johnston.
Carlock.	McNealus.
Dayton.	Parr.
Dean.	Strickland.
Dorough.	Suiter.
Floyd.	Westbrook.
Hertzberg.	

Nays—12.

Alderdice.	Hall.
Bailey.	Hopkins.
Bell.	Page.
Cousins.	Smith.
Dudley.	Williford.
Faust.	Woods.

Absent.

Buchanan of Scurry. Witt.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

House Bill No. 315.

The Chair laid before the Senate on second reading:

H. B. No. 315, A bill to be entitled "An Act to incorporate Merit Independent School District in Hunt and Collin Counties, and to provide for the election of trustees, and to provide for taxation, issuing bonds, providing for the exercise of all powers and privileges incident and belonging to independent school districts, providing for the issuance of bonds for all purposes authorized by law and for maintaining a system of public free schools therein, repealing all laws and parts of laws inconsistent herewith, and declaring an emergency."

The committee report that the bill be not printed was adopted.

The bill was read second time, and passed to its third reading.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 315 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hertzberg.
Bailey.	Hopkins.
Bell.	Johnston.
Caldwell.	McNealus.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Absent.

Buchanan of Scurry. Page.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed by the following vote:

Yeas—24.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.

Absent.

Buchanan of Scurry. Witt.
Page.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Senate Bill No. 179.

The Chair laid before the Senate on second reading:

S. B. No. 179, A bill to be entitled "An Act to amend Article 1202 of the Revised Civil Statutes of Texas of 1911, as amended by the Acts of the Regular Session of the Thirty-third Legislature, Section 8, Chapter 112, approved April 2, 1913, and found on pages 214-220 of the Acts of the said Legislature, so as to vest

in the Commissioners' Courts of counties having a population of more than one hundred thousand (100,000) and containing a city of over 70,000, the compensation of the chief probation officer at not to exceed twenty-four hundred (\$2400) dollars per year, and to re-enact said Section 8 of said Chapter 112 of the General Laws of the Thirty-third Legislature in all other respects, and declaring an emergency."

Senator Caldwell offered the following amendments, which were read and adopted severally:

(1) Amend S. B. No. 179, page 1, of the printed bill, by striking out of line 7 the words "Revised Civil Statutes" and insert in lieu thereof the words, "Code of Criminal Procedure"; and also insert in line 19, page 1, of printed bill, after the words "Section 129," the following, "of the Code of Criminal Procedure of Texas of 1911."

(2) Amend S. B. No. 179, page 2, printed bill, by inserting in line 12 after the word "largest" the word "independent"; also, amend S. B. No. 179, page 2, printed bill, line 7, strike out the words "thousand and less than" and insert in lieu thereof the word "two."

(3) Amend S. B. No. 179, page 2, line 18, printed bill, by striking out the words "and containing a city with a population of 70,000 or more," and in line 21, page 2, strike out the word "shall" and insert in lieu thereof the word "may."

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 179 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Sulter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.

Absent.

Buchanan of Scurry. Witt.
Strickland.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Executive Session—Time Set.

Senator Dean moved that the Senate go into executive session on next Wednesday morning at 11 o'clock for the purpose of considering all appointments of the Governor.

The motion prevailed.

Senate Bill No. 152.

The Chair laid before the Senate on second reading:

S. B. No. 152, A bill to be entitled "An Act providing that the nominations by political parties of candidates for offices of cities, of counties, or of subdivisions of counties and of districts where their territorial extent is limited to a particular county or part of same, shall be made either by a party convention or by a party primary election as now provided by law, and that the nominations by political parties of candidates for all other offices shall be made by a primary convention held under the control and direction of the proper executive committee of the particular political party; and providing regulations for the holding of such primary conventions and of the preliminary conventions to select delegates therefor; repealing all laws and parts of laws in conflict herewith, etc."

On motion of Senator Johnston, the bill was laid on the table subject to call.

Senate Bill No. 180.

The Chair laid before the Senate on second reading:

S. B. No. 180, A bill to be entitled "An Act to amend Section 5, Chapter 59, of the Acts of the Regular Session of the Thirty-fifth Legisla-

ture, approved March 6, 1917, relating to the employment of children under fifteen (15) years of age to labor in certain occupations, so as to provide that in counties of one hundred thousand (100,000) population or over, the duties heretofore devolved upon the County Judge by the original Act shall hereafter be performed by the chief probation officer in such counties, and re-enacting the said section of said statutes in all other respects, and declaring an emergency."

Senator Woods offered the following amendment, which was read and adopted:

Amend S. B. No. 180 by adding at the end of Section 1 of the bill the following:

"Provided, that in counties other than those having a population of one hundred thousand or more, and containing a city with a population of seventy thousand or more, the application provided for herein shall be made to the County Judge."

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 180 put on its third read and final passage by the following vote:

Yeas—23.

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.
Floyd.	

Absent.

Dayton.	Strickland.
Hopkins.	Witt.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed finally.

Senate Bill No. 246—Recommitted.

Senator Cousins moved that Sen-Bill No. 246 be recommitted to the Committee on Educational Affairs.

The motion prevailed.

Senate Bill No. 190.

The Chair laid before the Senate, on second reading:

S. B. No. 190, A bill to be entitled "An Act to give authority to every city incorporated under the laws of Texas, having a population of twenty-five thousand (25,000) or more, according to the U. S. census of 1910, to require the payment of a Permit Fee, not to exceed Two (\$2.00) Dollars, from the owners and operators of motor vehicles and motor cycles, living within the limits of such city, and also upon the owners and operators of motor vehicles living without the limits of such city, but who operate motor vehicles or motorcycles for the greater portion of the time that they are in use within the limits of such city, as a prerequisite to the right to the use of its streets by such vehicles; to confer upon such cities the right to pass the necessary ordinances; prescribing that a violation thereof shall constitute a misdemeanor; and that the permit fee provided for shall be in addition to those prescribed by the laws of the State regarding the use of motor vehicles on the public highways; to provide that the revenue derived from the fees collected or fines, imposed shall be applied to the maintenance of the streets and the enforcement of the traffic laws within the limits of such city; to repeal all laws in conflict, and declaring an emergency."

On motion of Senator Carlock, the bill was laid on the table subject to call.

Senate Bill No. 199.—Special Order.

The Chair laid before the Senate on second reading:

S. B. No. 199, A bill to be entitled "An Act to provide for sale of oil and gas, coal and lignite, that may be in any of the surveyed or unsurveyed public free school land that is now unsold, etc."

On motion of Senator Buchanan

of Scurry, the bill was set as a special order for next Tuesday at the conclusion of the morning call.

Senate Bill No. 134.

The Chair laid before the Senate, on second reading:

S. B. No. 134, A bill to be entitled "An Act to define junk dealers; to require such dealers to keep a record of junk transactions; to forbid the purchase of certain articles by dealers from minors; prescribing penalties and repealing all Acts in conflict herewith and declaring an emergency."

On motion of Senator Carlock, the bill was laid on the table subject to call.

Senate Bill No. 162.

The Chair laid before the Senate on second reading:

S. B. No. 162, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the fiscal year ending August 31, 1919, and declaring an emergency."

On motion of Senator Bell, the bill was laid on the table subject to call.

House Bill No. 200.

Senator Bell called up and the Chair laid before the Senate, on third reading:

H. B. No. 200, A bill to be entitled "An Act to amend Article 7235, Chapter 6, Title 124, Revised Civil Statutes of Texas, 1911, as amended by Chapter 72 General Laws of the Thirty-third Legislature and Chapters 26 and 99 General Laws of the Thirty-fourth Legislature, and Chapter 131, General Laws of the Thirty-fifth Legislature, and Chapter 10 of the Third Called Session of the Thirty-fifth Legislature, and Chapter 13 of the Fourth Called Session of the Thirty-fifth Legislature, with reference to the mode of preventing horses and certain other animals from running at large in the counties named so as to include Archer, Hemphill, Roberts, Gray and Madison counties, and declaring an emergency."

Senator Page offered the follow-

ing amendment which was read and adopted by unanimous vote:

(1) Amend House Bill No. 200 by adding, line 4. of Article 7235, by adding after the comma immediately after the word "Brown" by adding thereto the word "Burleson." Amend the caption to correspond thereto.

Senator Parr offered the following amendment:

(2) Amend H. B. No. 200, Section 1 thereof, by adding thereto the following:

"Provided further, that the provisions of this Act shall not apply to Nueces County as a whole, but shall apply only to such subdivisions thereof as may be designated in the manner herein provided."

Amendment of Senator Bell also pending.

On motion of Senator Bell, the bill was laid on the table subject to call.

Senate Bill No. 184.

The Chair laid before the Senate on second reading:

S. B. No. 184, A bill to be entitled "An Act to make appropriation for the Agricultural and Mechanical College of Texas, and declaring an emergency."

On motion of Senator Williford, the bill was laid on the table subject to call.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1919.
Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has

Adopted H. C. R. No. 33, requesting the National officials to take such action as will bring about a reduction in the freight tariffs governing the shipment of the materials entering largely into the construction of public works.

Respectfully submitted,

T. B. REESE,
Chief Clerk, House of Representatives.

Resolution Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after its

caption had been read, the following:

H. C. R. No. 33, referred to the Committee on Commerce and Manufactures.

Senate Bill No. 175.

The Chair laid before the Senate on second reading:

S. B. No. 175, A bill to be entitled "An Act to make certain emergency appropriations out of the general revenue for the Live Stock Sanitary Commission for the fiscal year ending August 31, 1919, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Dudley the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 175 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hall.
Bailey.	Hopkins.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dean.	Sulter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Woods.
Floyd.	

Absent.

Dayton.	Strickland.
Hertzberg.	Witt.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed by the following vote:

Yeas—20.

Alderdice.	Faust.
Bailey.	Floyd.
Bell.	Hall.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	Page.
Cousins.	Parr.
Dean.	Smith.
Dorough.	Sulter.
Dudley.	Williford.

Nays—1.

Westbrook.

Absent.

Dayton.	Strickland.
Hertzberg.	Witt.
McNealus.	Woods.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Senator Witt in the chair.

Senate Bill No. 183.

Senator Westbrook called up and the Chair laid before the Senate on second reading:

S. B. No. 183, A bill to be entitled "An Act to amend Article 2086, Chapter 20, Title 37, Revised Civil Statutes of the State of Texas, by prescribing that in all cases where the same is allowed that writs of error be sued out within ninety (90) days after the rendition of the final judgment, and declaring an emergency."

On motion of Senator Westbrook, the following amendment was adopted:

Amend the bill by striking out the words "ninety (90) days" in Section 1 and insert in lieu thereof the words "six (6) months."

The bill was read second time, and passed to engrossment by the following vote:

Yeas—15.

Alderdice.	Faust.
Bell.	Floyd.
Buchanan of Scurry.	Hopkins.
Cousins.	Sulter.
Dayton.	Westbrook.
Dean.	Witt.
Dorough.	Woods.
Dudley.	

Nays—6.

Bailey.	Page.
Caldwell.	Parr.
Hall.	Williford.

Present—Not Voting.

Carlock.

Absent.

Hertzberg.	Smith.
Johnston.	Strickland.
McNealus.	

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 183 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hopkins.
Buchanan of Scurry.	Page.
Carlock.	Parr.
Cousins.	Strickland.
Dayton.	Suiter.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.

Absent.

Caldwell.	McNealus.
Hertzberg.	Smith.
Johnston.	

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Westbrook, was passed finally.

Senate Bill No. 191.

The Chair laid before the Senate on second reading:

S. B. No. 191, A bill to be entitled "An Act to make appropriation to cover the cost of installation and equipment of a heating plant at the Grubbs Vocational College, Arlington, Texas, and declaring an emergency."

The bill was read second time, and passed to engrossment.

On motion of Senator Carlock the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 191 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Bell.
Bailey.	Buchanan of Scurry.

Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dudley.	Strickland.
Faust.	Suiter.
Hall.	Westbrook.
Hertzberg.	Williford.
Hopkins.	Witt.
Johnston.	Woods.

Absent.

Caldwell.	Floyd.
Dorough.	

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Carlock, was passed by the following vote:

Yeas—22.

Alderdice.	Floyd.
Bailey.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Carlock.	Johnston.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Williford.
Faust.	Witt.

Nays—3.

McNealus.	Westbrook.
Suiter.	

Present—Not Voting.

Woods.

Absent.

Caldwell.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Recess.

At 12:07 o'clock p. m., the Senate on motion of Senator Woods recessed until 2:30 o'clock today.

After Recess.

(Afternoon Session.)

The Senate was called to order by Lieutenant Governor Johnson.

Senate Bill No. 198.

The Chair laid before the Senate on second reading:

S. B. No. 198, A bill to be entitled "An Act providing that the School of Mines and Metallurgy established by Chapter 178, Acts of the General Laws of the 33d Legislature of 1913, located in the city of El Paso, El Paso County, Texas, be and the same is made and constituted a branch of the University of Texas for instruction in the arts of mining and metallurgy; authorizing the University of Texas through its board of regents to take over the management and control of said School of Mines and Metallurgy and its properties, and requiring the University of Texas to assume and pay off the obligations of said school, and declaring an emergency."

Senator Dudley offered the following amendment which was read and adopted:

Amend S. B. No. 198, line 17, page 1 by substituting word "enacted" for the word "resolved."

The bill was read second time and passed to engrossment.

On motion of Senator Dudley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 198 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	McNealus.
Caldwell.	Parr.
Carlock.	Smith.
Cousins.	Strickland.
Dayton.	Sulter.
Dean.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Absent.

Bailey.	Johnston.
Dorough.	Page.
Hall.	

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was laid before the Senate, read third time and, on motion of Senator Dudley, was passed by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Sulter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.
Hertzberg.	

Absent.

Bailey.	Dorough.
Dayton.	Johnston.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

Senate Bill No. 194.

The Chair laid before the Senate on second reading:

S. B. No. 194, A bill to be entitled "An Act requiring every person, firm or corporation engaged in the business of operating a garage or repair shop within this State, for the repairing, rebuilding, repainting of automobiles, or engaged in electrical work in connection with automobiles; and also every person, firm or corporation engaged in the purchase or sale or repair of used or second hand cars, to keep a register containing a substantially correct description of every car upon which the work of repair is performed, or which is bought or sold by such second hand dealer of used cars; providing for the inspection of such record by peace officers and other persons interested therein; making unlawful the possession of an automobile with the engine number chiseled off: providing punishment for violation of this Act, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Carlock, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 194 put on its third reading and final passage by the following vote:

Yeas—23.

Alderdice.	Hopkins.
Bell.	McNealus.
Buchanan of Scurry.	Page.
Caldwell.	Parr.
Carlock.	Smith.
Cousins.	Strickland.
Dean.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.
Hertzberg.	

Absent.

Bailey.	Dorough.
Dayton.	Johnston.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was laid before the Senate, read third time and on, on motion of Senator Carlock, was passed by the following vote:

Yeas—20.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dudley.	Smith.
Faust.	Suiter.
Floyd.	Williford.
Hall.	Witt.

Nays—3.

Caldwell.	Westbrook.
Dean.	

Absent.

Bailey.	Strickland.
Dorough.	Woods.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

Senate Bill No. 209.

The Chair laid before the Senate on second reading:

S. B. No. 209, A bill to be entitled "An Act to amend Article 2772 of the Revised Civil Statutes of 1911 defining the purposes for which the public free school funds of Texas may be expended."

Senator Caldwell offered the following amendment which was read and adopted:

Amend S. B. No. 209 by adding to the end of the caption the words "and declaring an emergency."

And also amend the body by adding Section 2 to the bill—the emergency clause.

The bill was read second time and passed to engrossment.

On motion of Senator Dean, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 209 put on its third reading and final passage by the following vote:

Yeas—25.

Alderdice.	Hopkins.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.
Hertzberg.	

Absent.

Bailey.	Dorough.
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Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was laid before the Senate, read third time and, on motion of Senator Dean, was passed by the following vote:

Yeas—25.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Suiter.
Dorough.	Westbrook.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.
Hall.	

Absent.

Bailey.	Strickland.
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Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Senate Bill No. 184.

Senator Williford called up and the Chair laid before the Senate, on second reading:

S. B. No. 184, A bill to be entitled "An Act to make appropriation for the Agricultural and Mechanical College of Texas, and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Williford, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill 184 put on its third reading and final passage by the following vote:

Yeas—24.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Strickland.
Dudley.	Williford.
Faust.	Witt.
Floyd.	Woods.

Nays—2.

Suiter. Westbrook.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Williford, was passed by the following vote:

Yeas—24.

Alderdice.	Dorough.
Bell.	Dudley.
Buchanan of Scurry.	Faust.
Caldwell.	Floyd.
Carlock.	Hall.
Cousins.	Hertzberg.
Dayton.	Hopkins.
Dean.	Johnston.

McNealus.
Page.
Parr.
Smith.

Strickland.
Williford.
Witt.
Woods.

•Nays—2.

Suiter.

Westbrook.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

Message From The House.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of
the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted Conference Committee report on Senate Bill 99.

Respectfully submitted,

T. B. REESE,

Chief Clerk, House of Representatives.

Senate Bill No. 143.

Senator Floyd called from the table and the Chair laid before the Senate on second reading:

S. B. No. 143, A bill to be entitled "An Act to amend Section 15 of Article 7355 of the Revised Civil Statutes of the State of Texas of 1911 authorizing the levying and collection of an occupation tax on every menagerie, wax works, side show or exhibition, whether connected with a circus or not, where a separate fee for admission is demanded or received, \$10.00 for every performance or exhibition in which fees for admission are received; repealing Chapter 135 of the General Laws of the State of Texas passed by the Thirty-fourth Legislature at its regular session and declaring an emergency."

Senator McNealus raised the point of order that this bill is a revenue raising measure and cannot be considered because it did not originate in the House.

The Chair overruled the point of order.

The question being upon the pending amendment by Senator Floyd

(see page 428 for amendment in full.)

Senator Dudley moved the previous question on the amendment and the engrossment of the bill. The motion being duly seconded the previous question was ordered.

The amendment was lost by the following vote:

Yeas—8.

Dayton.	Hopkins.
Dean.	Strickland.
Dorough.	Suiter.
Floyd.	Williford.

Nays—15.

Alderdice.	Hertzberg.
Bell.	Johnston.
Buchanan of Scurry.	McNealus.
Caldwell.	Page.
Carlock.	Parr.
Dudley.	Witt.
Faust.	Woods.
Hall.	

Absent.

Bailey.	Smith.
Cousins.	Westbrook.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—7.

Dayton.	Strickland.
Dean.	Suiter.
Dorough.	Williford.
Hopkins.	

Nays—16.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Dudley.	Parr.
Faust.	Witt.
Floyd.	Woods.

Absent.

Bailey.	Smith.
Cousins.	Westbrook.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

33—Jour.

Senator McNealus moved to reconsider the vote by which Senate Bill 143 failed to pass to engrossment and table the motion to reconsider.

The motion to table prevailed.

Senate Concurrent Resolution No. 27

Be it resolved by the Senate of Texas, the House of Representatives concurring:

Whereas, the United States Department of Labor has, under authority of Congress, during the war successfully operated the United States Employment Service for the purpose of bringing together employers and employees and achieved extraordinary success in this State, to the great satisfaction of all parties, and been a monument of government efficiency, therefore,

Be it resolved, that we, the Legislature of Texas, endorse the United States Employment Service and urge its extension and continuance, more especially during the time that a great number of men are being released from the army for civil life and who should be entitled to the free service of the Government in securing positions, and not being made victims of profiteering private agencies; and the President of this Senate is instructed to wire the Appropriations Committee of the United States Congress a request on the part of the Senate that said service be continued in operation during the demobilization of the United States army, and until the men now in the army have had every opportunity to secure employment in civil life; and,

Be it further resolved, that a copy of this resolution be mailed by the Secretary of the Senate to each Representative and United States Senator from the State of Texas.

PAGE.
MCNEALUS.

The resolution was read and adopted.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, Feb. 24, 1919.
Lieutenant Governor W. A. Johnson,
President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

S. B. No. 195, A bill to be entitled "An Act to create a common county line school district to be known as the Lone Cedar District, to be under the jurisdiction, management and control of the County School Board of Ellis County, Texas, to be composed of the territory described in this Act, and defining the rights, powers and privileges of such district, and declaring an emergency."

S. B. No. 251, A bill to be entitled "An Act creating the Garwood Independent School District in Colorado County, Texas, and defining its boundaries, and providing for the election of a board of trustees to manage and control the public free schools within said district; naming the fiscal year as to taxes; vesting said district with all the powers, rights and duties of independent school districts formed for free school purposes only, and providing that said board of trustees shall have such authority as is now or may be hereafter conferred by the General Laws of the State of Texas upon boards of public school trustees of independent school districts, and declaring an emergency."

H. B. No. 294, A bill to be entitled "An Act amending Section 1 of the Local and Special Laws of the Regular Session of the Thirty-fifth Legislature, Chapter 22, page 86, creating the Georgetown Independent School District, by adding thereto territory adjoining same situated in Williamson County for school purposes, and defining its boundaries, and declaring an emergency."

H. B. No. 439, A bill to be entitled "An Act creating the Lakeview Independent School District, situated in Hale County, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; providing for a board of equalization, and prescribing the duties and authority of said board, and of said trustees; declaring valid a maintenance tax heretofore voted, declaring valid all debts owing to and by said district, and declaring an emergency."

H. B. No. 420, A bill to be entitled "An Act creating an independent

school district to be known as 'Tehoma Independent School District,' and to provide for the creation of a board of trustees and authorizing the board of trustees to levy, assess and collect special taxes and to issue bonds for buildings and to pay current expenses for the maintenance and support of said school and to have full control and management of said school district, and declaring an emergency."

H. B. No. 440, A bill to be entitled "An Act creating the Petersburg Independent School District, situated in Hale County, Texas; defining its metes and bounds; vesting it with rights, powers, duties and privileges of independent districts incorporated for school purposes only under the General Laws; providing for a board of trustees therefor; providing for a board of equalization and prescribing the duties and authority of said board and of said trustees; declaring valid an issue of bonds heretofore voted; declaring valid all debts owing to and by said district, and declaring an emergency."

H. B. No. 445, A bill to be entitled "An Act to amend Section 1, House Bill No. 533, Chapter 47, of the Local and Special Laws passed at the Regular Session of the Thirtieth Legislature, entitled 'An Act creating the Eldorado Independent School District in Schleicher County, Texas, changing and defining its boundaries, and declaring an emergency.'"

H. B. No. 448, A bill to be entitled "An Act providing that the Commissioners' Court of Grimes County, Texas, shall not issue, without submitting it to a vote of the voters of Grimes County, Texas, as required by law, more than five thousand dollars in bonds in any one year and then only in case of an emergency, and providing that said Commissioners' Court shall not issue nor sell anticipation warrants at all, and repealing all laws in conflict with this Act."

H. B. No. 470, A bill to be entitled "An Act changing the boundaries of Chireno Independent School District of Nacogdoches County, Texas, as created by an Act of the Thirty-fifth Legislature at its Regular Session, published in the Local and Special Laws, Regular Session, Thirty-fifth Legislature of Texas, page 217, and providing that certain territory which, before said Act was passed,

constituted Bethel Common School District, in Nacogdoches County, Texas, shall be transferred to and remain a part of and constitute Bethel Common School District, and declaring an emergency."

Respectfully submitted,
T. B. REESE,
Chief Clerk, House of Representatives.

Bills Read and Referred.

The Chair, Lieutenant Governor Johnson, had referred, after their captions had been read, the following House bills:

H. B. No. 294, referred to the Committee on Educational Affairs.

H. B. No. 445, referred to the Committee on Educational Affairs.

H. B. No. 470, referred to the Committee on Educational Affairs.

H. B. No. 448, referred to the Committee on Roads, Bridges and Ferries.

H. B. No. 420, referred to the Committee on Educational Affairs.

H. B. No. 439, referred to the Committee on Educational Affairs.

H. B. No. 440, referred to the Committee on Educational Affairs.

Message From the Governor.

Governor's Office,
Austin, Texas, Feb. 21, 1919.

To the Texas Senate:

I ask the advice, consent and confirmation of the Senate in the following appointments:

To be a member of the Board of Managers, Confederate Woman's Home, M. H. Reed, Austin, Travis County, Texas, vice Jim Keeble, Elgin, Bastrop County, Texas.

To be a member of the Board of managers of Confederate Woman's Home: E. H. Lawhon, Taylor, Williamson County, Texas, vice Staten Allen, Temple, Bell County, Texas, resigned.

To be a member of the Board of Managers, State Epileptic Colony, John Bowyer, Abilene, Taylor County, Texas, vice E. E. Hall, Abilene, Taylor County, Texas, resigned.

To be a member of the State Text Book Commission, L. H. Hubbard, Belton, Texas.

Respectfully submitted,
W. P. Hobby, Governor.

The Chair referred the above to the Committee on Nominations by the Governor.

Senate Bill No. 227.

The Chair laid before the Senate on second reading:

S. B. No. 227, A bill to be entitled "An Act to amend Chapter 181 of the General Laws of the Regular Session of the Thirty-fifth Legislature of the State of Texas (page 396 of said laws) relating to the regulation of growing and marketing of fruits and vegetables, by adding thereto Section 9a, exempting the onion growers from the provisions of said Act, and declaring an emergency."

Senator Parr offered the following amendment, which was read and adopted:

(1) Amend by striking out all after the enactive clause and inserting in lieu thereof the following:

Amend Section 5, Chapter 181, page 396 of the General Laws of the State of Texas passed by the Thirty-fifth Legislature at its Regular Session, so that the same shall hereafter read as follows:

Section 5. It shall be the duty of the Commissioner of Agriculture to appoint inspectors to inspect fruits and vegetables at the different shipping and loading stations in this State, when called upon or requested by any grower, shipper, or shipper's agents representing the grower, or growers at any shipping or loading station, and when such inspector shall have been appointed he shall inspect such fruits and vegetables as are offered for shipment or sale by those requesting it. The expense of such inspectors shall be paid by those requesting inspection.

The Commissioner of Agriculture shall furnish a blank form of certificate to all State inspectors to be filled out by them to accompany each carload of fruits or vegetables, where State inspection is enforced. Said certificate shall contain the name of the shipper, the name and number of the car, the kind and grade of the fruits or vegetables and number of packages contained, the date of shipment and the name of the inspector, together with the words, "Graded and packed under State Inspection."

Nothing in this Act shall be construed so as to prevent railroad

companies from shipment, in the same car, whether graded or not, fruits or vegetables offered them.

All inspectors appointed by the Commissioner of Agriculture shall be required to execute a minimum bond of \$1,000.00 made payable to the Commissioner of Agriculture and approved by him, for the faithful performance of their duties. The said bond, when executed, shall be filed in the State Department of Agriculture.

The fact that the onion shipping season is near at hand, and that the many shippers of onions desire to take advantage of the provisions of this bill creates a public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days and the said rule shall be and is hereby suspended, and this Act shall take effect and be in force from and immediately after its passage, and it is so enacted.

Senator Suiter offered the following amendment which was read and adopted:

(2) Amend Senate Bill No. 227, by striking out after section in line 10, page 1, of the printed bill the remainder of the caption and insert in lieu thereof the following:

Provided that the Department of Agriculture shall furnish inspectors when any shipper requests same and prescribing the duties of said inspectors.

The bill was read second time and passed to engrossment.

On motion of Senator Parr, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 227 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hall.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Johnston.
Cousins.	McNealus.
Dayton.	Page.
Dean.	Parr.
Dorough.	Smith.
Dudley.	Suiter.
Faust.	Williford.
Floyd.	Woods.

Absent.

Bailey.	Westbrook.
Bell.	Witt.
Strickland.	

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

The bill was laid before the Senate, read third time and, on motion of Senator Parr, was passed by the following vote:

Yeas—23.

Alderdice.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Woods.
Hall.	

Absent.

Bailey.	Johnston.
Bell.	Witt.

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

Senate Bill No. 202.

The Chair laid before the Senate on second reading:

S. B. No. 202, A bill to be entitled "An Act to amend Chapter 36 of the General Laws passed by the Thirty-fourth Legislature of the State of Texas, 1915, by the addition of Section 2a, relating to the employment of the County Superintendent of Public Instruction by the County School Trustees as provided for in this Act, and repealing all laws and parts of laws in conflict herewith."

On motion of Senator Alderdice the bill was laid on the table subject to call.

Senate Bill No. 137.

The Chair laid before the Senate on second reading:

S. B. No. 137, A bill to be entitled "An Act to prevent persons who have

given a mortgage on household goods or furniture or store or office furniture and fixtures or pianos or other musical instruments from removing or allowing same to be removed from the place designated in such mortgage without the written consent of the mortgagee, providing a penalty for the violation thereof and providing that proof of the fact that the property covered by such mortgage is not then located at the place designated in such mortgage shall be prima facie evidence of the violation of said Act, and declaring an emergency."

The committee report carrying a substitute bill was adopted.

Senator Hertzberg offered the following amendment which was read and adopted:

(1) Amend committee substitute to Senate Bill No. 137 by inserting after word "mortgage," line 25, the words "deed of trust or other lien."

The bill was read second time and passed to engrossment by the following vote:

Yeas—15.

Bell.	Faust.
Buchanan of Scurry.	Hertzberg.
Caldwell.	Hopkins.
Carlock.	Smith.
Cousins.	Suiter.
Dean.	Westbrook.
Dorough.	Witt.
Dudley.	

Nays—10.

Dayton.	Page.
Floyd.	Parr.
Hall.	Strickland.
Johnston.	Williford.
McNealus.	Woods.

Present—Not Voting.

Alderdice.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

On motion of Senator Hertzberg, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 227 put on its third reading and final passage by the following vote:

Yeas—22.

Alderdice.	Hall.
Bell.	Hertzberg.
Buchanan of Scurry.	Hopkins.
Caldwell.	Johnston.
Carlock.	McNealus.
Cousins.	Page.
Dayton.	Parr.
Dean.	Smith.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Witt.

Nays—4.

Floyd.	Williford.
Strickland.	Woods.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Hertzberg, was passed finally.

Senate Bill No. 131.

The Chair laid before the Senate, on second reading:

S. B. No. 131, A bill to be entitled "An Act granting permission to Hyman Alexander, a minor, to bring suit against the State of Texas, in the District Court of Travis County, Texas, for damages, for injuries sustained by being run down by an automobile truck, owned by the State of Texas, and operated by an employee of the State, on the 20th day of October, A. D. 1917, and declaring an emergency."

Senator Page offered the following amendment which was read and adopted:

Amend Senate Bill No. 131, by striking out Section 3 and renumbering the other sections to conform hereto.

The bill was read second time and passed to engrossment by the following vote:

Yeas—19.

Bell.	Dudley.
Caldwell.	Faust.
Carlock.	Hall.
Cousins.	Hertzberg.
Dean.	Johnston.

McNealus.	Westbrook.
Page.	Williford.
Parr.	Witt.
Smith.	Woods.
Suiter.	

Nays—6

Alderdice.	Floyd.
Buchanan of Scurry.	Hopkins.
Dorough.	Strickland.

Present—Not Voting.

Dayton.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

On motion of Senator Caldwell, the constitutional rule requiring bills to be read on three several days was suspended and Senate Bill No. 131 put on its third reading and final passage by the following vote:

Yeas—26.

Alderdice.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Dean.	Strickland.
Dorough.	Suiter.
Dudley.	Westbrook.
Faust.	Williford.
Floyd.	Witt.
Hall.	Woods.

Absent.

Bailey.

Absent—Excused.

Buchanan of Bell. Gibson.
Clark.

The bill was laid before the Senate, read third time and, on motion of Senator Caldwell, was passed finally.

Senate Bill No. 128.

The Chair laid before the Senate on second reading:

S. B. No. 128, A bill to be entitled "An Act to amend Title 17, Articles 1195, 1196, 1198, 1199, 1200 and 1201 of the Code of Criminal Pro-

cedure of the State of Texas, adopted at the Regular Session of the Thirty-second Legislature, 1911, relating to the State Institution for the Training of Juveniles; the control and treatment of delinquent children, as amended by Chapter 112 of the Acts of the Regular Session of the Thirty-third Legislature, 1913, approved April 2, 1913; and to amend Article 1197 of said Code as amended by said Acts of the Thirty-third Legislature, approved April 2, 1913, and amended by the Fourth Called Session of the Thirty-fifth Legislature, Chapter 36, approved March 22, 1918, and to add to said Code Article 1201a."

On motion of Senator Dean the bill was laid on the table subject to call.

Senate Bill No. 210.

The Chair laid before the Senate on second reading:

S. B. No. 210, A bill to be entitled "An Act to place concurrent jurisdiction in the district and county courts of Travis County by presentation by indictment by a grand jury; by affidavit and information and the trial thereof of all offenses named in Chapters 1, 2, 3, 4 and 5 of Title 6 of the Revised Criminal Statutes of 1911; to repeal all laws in conflict with the provisions of this Act, and declaring an emergency."

Senator Dean offered the following amendment was read and adopted:

(1) Amend Senate Bill 210 by striking out the word "named" line 27, page 1 of the printed bill.

Senator Hall offered the following amendment, which was read and adopted:

Amend Senate Bill 210 lines 19 and 20, page 1 by striking out the words "Affidavit" and "information."

Senator Dean moved to reconsider the vote by which the amendment was adopted, and this motion was lost.

(Senator McNealus in the Chair.)

Senator Dean moved to rescind the vote by which the amendment of Senator Hall was adopted.

The motion prevailed.

Senator Hall offered the following amendment which was read and adopted:

(2) Amend Senate Bill 210 by striking out all after "State" line 31, page 1, down to and including "same" line 2, page 2.

Senator Witt offered the following amendment which was read and adopted:

(3) Amend Senate Bill 210, page 1, by striking out the word "several" in line 25 and substituting the word "respective."

The bill was read second time and failed to pass to engrossment by the following vote:

Yeas—10.

Buchanan of Scurry.	Hertzberg.
Dean.	Hopkins.
Derough.	Sulter.
Dudley.	Westbrook.
Floyd.	Witt.

Nays—14.

Bell.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Cousins.	Parr.
Dayton.	Smith.
Faust.	Williford.
Hall.	Woods.

Absent.

Alderdice.	Strickland.
Bailey.	

Absent—Excused.

Buchanan of Bell.	Gibson.
Clark.	

Senator Caldwell moved to reconsider the vote by which the bill failed to pass to engrossment and table the motion to reconsider.

The motion to table prevailed.

Adjournment.

A 5:45 o'clock p. m. the Senate, on motion of Senator Woods, adjourned until 10 o'clock tomorrow morning.

APPENDIX.

Petitions and Memorials.

Senators McNealus, A. C. Buchanan, Dean, Sulter and Johnston each presented numerous signed petitions opposing House Bills No. 259 and 260 placing tax on soft drinks.

Senator Dayton stated that he had several like petitions.

Senator McNealus offered a numerous signed petition from Rockwall favoring an amendment to the Sunday law so as to permit the sale of certain articles on Sunday.

Senator Caldwell offered a communication from Hon. J. H. Traylor of Rockport, Texas, calling attention to the fact that in 1883 he was the author of a law reserving to the State the minerals in school lands; which was later repealed; and protesting that it is an injustice to the school children of the State to now dispose of the unsold minerals for a nominal sum.

The Chair offered the following which was read and ordered printed in the Journal in full:

State of Texas.

Adjutant General's Department,

Austin, Texas.

February 22nd, 1919.

Honorable W. A. Johnson, President,
Texas State Senate.

Sir: The National Guardsman is preparing a special Legislative Number to be issued March 8th, giving an account of the patriotic part taken by the Thirty-fifth and Thirty-sixth Legislatures of Texas and their membership in winning the war and preparing for reconstruction.

All members who have served the country in the emergency, either in the armed forces or in any of the various war activities, such as the American Red Cross, Councils of Defense, Liberty Loan Drives, Knights of Columbus war service, Jewish Welfare Board, Salvation Army, the Selective Draft Boards, the Food, Fuel or Labor Administrations or other war activities are requested to leave a record of such service with the Secretary of the Senate before Friday of this week.

Respectfully,

W. D. COPE,
Assistant Adjutant General.

Engrossing Committee Reports.

Committee Room,

Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 203 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 189 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 96 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 132 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 136 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Committee Substitute to Senate Bill No. 147 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 21, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 271 carefully compared and find same to be correctly engrossed.

FAUST, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Engrossed Bills have had Senate Bill No. 206 carefully compared and find same to be correctly engrossed, carrying engrossed rider.

FAUST, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, February 21, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 321. A bill to be entitled "An Act to authorize and direct the Secretary of State to exchange Court Reports, Session Acts, and other publications of the State for like publications of other States and foreign countries for the benefit of the law library of the University of Texas, and declaring an emergency."

Have had same under consideration and I directed to report same back to the Senate with the recommendation that it do pass.

WILLIFORD, Chairman.

Committee Room,
Austin, Texas, February 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred Senate Bill No. 216, beg leave to report that same do not pass but that Committee Substitute do pass in lieu thereof and be not printed, but be printed in the Journal as follows:

A BILL To Be Entitled

An Act to amend Section 6, Senate Bill 68, Chapter CII. General Laws of the Twenty-sixth Legislature, pages 173 and 174 entitled, "An Act to promote agriculture and stock-raising and to prohibit the hunting with fire-arms or dogs upon the enclosed and posted lands of another in all counties within this State, not specially named as exempt from the provisions of this Act, and to provide a penalty therefor," by adding at the end of said Section 6 the

counties of Nueces, Jim Wells, Kleberg, McMullen, Duval, Brooks, Jim Hogg, La Salle, Dimmit, Webb, Zapata, Starr, Hidalgo and Cameron, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1: Amend Section 6, Senate Bill 68, Chapter CII. General Laws of the Twenty-sixth Legislature, pages 173 and 174 entitled, "An Act to promote agriculture and stock-raising and to prohibit the hunting with firearms or dogs upon the enclosed and posted lands of another in all counties within this State, not specially named as exempt from the provisions of this Act, and to provide a penalty therefor" by adding at the end of said Section 6 the counties of Nueces, Jim Wells, Kleberg, McMullen, Duval, Brooks, Jim Hogg, La Salle, Dimmit, Webb, Zapata, Starr, Hidalgo, and Cameron.

Section 2: The crowded condition of the Calendar, the near approach of the end of the Session and the fact that the people of this State are being deprived of their natural right to hunt wild game in large pastures in this State, creates an emergency and an imperative public necessity which requires that the Constitutional Rule, which provides that all bills shall be read on three several days, be suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

DUDLEY, Vice Chairman.

Committee Room,

Austin, Texas, February 21, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries to whom was referred

H. B. No. 381, being a bill to be entitled "An Act creating a more efficient road system for Titus County, and declaring an emergency."

Have had same under consideration and recommend that it do pass, and that it be not printed.

WOODS, Chairman.

Committee Room.

Austin, Texas, February 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 266, A bill to be entitled "An Act to establish and fix the salary of the Superintendent of Public Build-

ings and Grounds of the State of Texas, providing for an appropriation to pay said salary, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

"Strike out the words and figures 'March 1st, 1919', in line 1, Section 1, and insert in lieu thereof 'September 1st, 1919,' and strike out all of Section 2."

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 267, A bill to be entitled "An Act to amend Chapter 21, Acts of the First Called Session of the Thirty-fifth Legislature, 1917, being an Act amending Article 6086, Revised Civil Statutes, Chapter 1, Title 100, providing for the appointment by the Governor of two members of the Board of Pardon Advisers; fixing their salary, and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

"By striking out the words 'Thirty-six Hundred' wherever they appear and insert in lieu thereof, the words 'Three Thousand.'"

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, February 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 330, Being a bill to be entitled "An Act to amend Article 1861 of the Revised Civil Statutes of the State of Texas of 1911, by adding thereto a method of securing service of citation or other process on foreign corporations, joint stock companies, or associations, or acting corporations, or associations, and declaring an emergency."

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Civil
Jurisprudence, to whom was re-
ferred

S. B. No. 286, A bill to be entitled
"An Act to amend Sections 7c, 8
and 10, of part One of Chapter 103,
of the General Laws of the State of
Texas, passed at the regular session
of the Thirty-fifth Legislature, en-
titled 'An Act to amend Chapter 179
of the General Laws of the State of
Texas passed at the regular session
of the Thirty-third Legislature, en-
titled: 'An Act relating to employers'
liability and providing for the com-
pensation of certain employes, and
their representatives and beneficiar-
ies, for personal injuries sustained
in the course of employment and for
deaths resulting from such injuries,
and to provide and determine in
what cases compensation shall be
paid, and to make the payment
thereof more certain and prompt by
the creation of an insurance associa-
tion to insure and guarantee such
payments of an industrial accident
board for the investigation of claims
and for the adjudication thereof for
consenting parties, fixing the mem-
bership and powers of said board
and its compensation and duties, and
the method of its appointment, and
the term of office of its members and
fixing also the powers, duties and li-
abilities of said insured associa-
tion and the extent of control over
same to be exercised by the Commis-
sioner of Banking and Insurance
and providing also for the insurance
of payments of compensation to em-
ployes by certain other insurance
companies and organizations, and
repealing all laws and parts of laws
in conflict herewith, and declaring
an emergency."

Has had said bill under considera-
tion and I am directed to report the
same back to the Senate with the
recommendation that it do pass,
with the following committee amend-
ments:

Strike out the figures 100 in sec-
tion 8, and substitute therefor "60,"
and strike out the words and figures
"Fifty (\$50.00)" in same section
and substitute therefor the words
and figures "Twenty-five (\$25.00)";
and strike out the words and figures

"Ten (\$10.00)" in the same section
and substitute therefor the words
and figures "Seven and 50-100
(\$7.50.)"

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Civil
Jurisprudence, to whom was refer-
red

H. B. No. 196. A bill to be entitled
"An Act to amend Chapter 64 of the
Acts of the Regular Session of the
Thirty-fifth Legislature, page 123
thereof, relating to the salary of
District Attorneys in counties hav-
ing a population in excess of one
hundred thousand; and also amend-
ing Chapter 55, of the Acts of the
Regular Session of the Thirty-fifth
Legislature, page 94 thereof, relating
to the appointment and compensa-
tion of deputy county officers and
assistants to District Attorneys; fix-
ing the salary of District Attorneys
and their deputies, assistants and
stenographers, and providing for the
method of the appointment of such
deputies, assistants and stenogra-
phers, and the method of determin-
ing and fixing the salaries thereof,
in counties having a population of
more than one hundred thousand."

Has had said bill under considera-
tion and I am directed to report
the same back to the Senate with
the recommendation that it do pass.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 22, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on
State Affairs, to whom was referred
S. B. No. 145, A bill to be entitled
"An Act to repeal all of Title 116
of the Revised Civil Statutes of 1909,
relating to the organization, compen-
sation, supplies, equipment, rations,
forage, clothes, powers and author-
ity of the Ranger Force of the State
of Texas, and declaring an emer-
gency."

Have had same under considera-
tion and I am directed to report
same back to the Senate with recom-
mendation that it do pass.

WILLIFORD, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on
State Affairs, to whom was re-
ferred

H. B. No. 210, A bill to be entitled
"An Act declaring the Eleventh Day
of November of each year a legal
holiday under the same conditions
as other holidays are designated in
Texas, and declaring an emergency."

Have had same under considera-
tion and I am directed to report
same back to the Senate with the
recommendation that it do pass.

WILLIFORD, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, Feb. 21, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: A majority of your Committee
on Roads, Bridges and Ferries, to
whom was referred

S. B. No. 252, A bill to be entitled
"An Act to amend Section 17, Chap-
ter 207, Acts of the Regular Session
of the Thirty-fifth Legislature, re-
quiring persons driving a motor ve-
hicle or motorcycle, when approach-
ing the intersection of a public street
or highway with the tracks of a steam
railroad or interurban railroad,
where such street or highway crosses
such track or tracks where the view
of said crossing is either wholly or
partially obscured for a distance of
three hundred yards on either or both
sides, to before attempting to pass
over said crossing, and at some point
not nearer than twenty feet of said
track, come to a complete stop be-
fore passing over said crossing."

Have had same under considera-
tion, and I am instructed to report,
recommending that the bill do not
pass.

Senator Carlock gave notice of a
minority favorable report.

WOODS, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 21, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: A minority of your Commit-
tee on Roads, Bridges and Ferries,
which Committee has had for consid-

eration Senate Bill No. 252, begs
leave to report said bill with a rec-
ommendation that it do pass.

CARLOCK.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Coun-
ties and County Boundaries, to whom
was referred

S. B. No. 336, "An Act to amend
Article 1390, Title 28, Chapter 5, of
the Revised Civil Statutes of the State
of Texas of 1911, relating to the pro-
ceedings for the removal of a county
seat, etc.,"

Have had same under considera-
tion, and beg leave to report the same
back to the Senate with the recom-
mendation that it do pass.

PARR, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: Your Committee on Civil Ju-
risprudence, to whom was referred

S. B. No. 56, being a bill to be
entitled "An Act providing for the
compensation of the clerk of the
Court of Civil Appeals of the Third
Supreme Judicial District, the ap-
pointment of a deputy and the dis-
position of the cost to be collected by
said clerk, and declaring an emer-
gency,"

Has had said bill under considera-
tion, and I am directed to report the
same back to the Senate with the
recommendation that it do not pass,
but that the committee substitute
hereto attached be passed, and that
the original bill be not printed, and
that the committee substitute be
printed.

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the
Senate.

Sir: We, your Committee on Civil
Jurisprudence, to whom was referred

H. B. No. 7, amending a bill to be
entitled "An Act to amend Article
2942 of Chapter 4, Title 49, of the
Revised Civil Statutes of Texas of
1911, by adding thereto authority to
the holder of a certificate of honor-
able discharge from the military serv-
ice of the United States to vote

thereon without the payment of poll tax, and declaring an emergency."

Have had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do not pass, for the reason that in the opinion of the Committee said bill is unconstitutional.

DEAN, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, the minority of your Committee on Civil Jurisprudence, to whom was referred House Bill No. 7, have had the said bill under consideration, and beg to report the same back to the Senate with the recommendation that it do pass.

HALL.

Committee Room,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 312, being a bill to be entitled "An Act to amend Article 7490 and Article 7497 of the Revised Civil Statutes of the State of Texas of 1911, and Article 7491 of the Revised Civil Statutes of the State of Texas of 1911, as amended by Chapter 166 of the Acts of the Regular Session of the Thirty-fifth Legislature, so as to further provide for the collection of inheritance taxes, the making of reports concerning estates subject to taxation, the fixing of penalties, prescribing duties and fixing compensation of District and County Attorneys and County Judges, and declaring an emergency,"

Has had said bill under consideration, and I am directed to report the same back to the Senate with the recommendation that it do pass, with the following committee amendment:

Amend the bill by adding in Article 7490 after the semi-colon following the word "tax" and before the words "and the County Attorneys," the following:

"Provided that a lien shall exist on all property belonging to said estate to secure the payment of such tax, penalties and costs, and all persons acquiring any portion of said

estate shall be charged with notice of the existence of any unpaid, tax, penalties and costs, which lien may be enforced in any suit brought for the collection of such tax and penalties."

DEAN, Chairman.

Committee Room,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 288, being a bill to be entitled "An Act to amend Article 1855, Title 17, Chapter 3, of the penal Code of the State of Texas, A. D. 1911, and adding thereto Articles 1255a and 1855b; and to repeal Chapter 102, pages 173 and 174, of the Acts of 1899, passed by the regular session of the Twenty-sixth Legislature; and to repeal all other laws and parts of laws in conflict with this Act,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, with the following amendment:

Insert in line 1 of Section 2, after the word "apply" and before the word "to" the following, "to any inclosure of more than two thousand (2000) acres, nor."

SUITER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 288, being a bill to be entitled "An Act to amend Article 1855, Title 17, Chapter 3, of the Penal Code of the State of Texas,"

Have had the same under consideration, and beg to refer same back to the Senate with the recommendation that it do not pass.

STRICKLAND.

Committee Room,
Austin, Texas, Feb. 24, 1919.
Hon. W. A. Johnson, President of the Senate.

Sir: We, a majority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 196, A bill to be entitled "An Act to permit garages, automobile supply stations and gasoline and filling stations to remain open and transact business within certain hours on Sunday, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

SUITER, Chairman.

(Minority Report.)

Committee Room,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: We, a minority of your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 196, being a bill to be entitled "An Act to permit garages, automobile supply stations and gasoline and filling stations to remain open and transact business within certain hours on Sunday, and declaring an emergency,"

Have had the same under consideration, and I beg to refer it back to the Senate with the recommendation that it do not pass.

SUITER.

Enrolling Committee Report.

Committee Room,
Austin, Texas, Feb. 24, 1919.

Hon. W. A. Johnson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared Senate Bill No. 118, copy of which is hereto attached, and find it correctly enrolled, and have this day at 10:30 o'clock a. m., presented the same to the Governor for his approval.

SMITH, Chairman.

By Dayton. S. B. No. 118.

A Bill To Be Entitled

An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas making it the duty of the State Board of Education to purchase such books from a fund set aside each year out of the available school fund of the State; pro-

viding the procedure to be followed in purchase of said books and their distribution through the State agencies or depositories which all parties with whom the State has made text book contracts are required to maintain, and through the district boards of school trustees or their legally appointed representatives; providing the method of ascertaining the scholastic census for purposes of free text book distribution; prescribing the duties of district boards of school trustees and of the State Board of Education and the State Superintendent under the Act; providing for delivery to school trustees of books used previously to 1919, to give to the State the advantage of exchange price on books; providing that such books shall remain the property of the State and for the disposition of worn out books; providing the method to be followed by the teachers and principals in procuring books for their pupils; requiring teachers and school officers to make reports of the use, care, and condition of such text books and providing that the salary of any teacher or employee who neglects may be withheld; providing that the State Superintendent may make rules for the requisition, distribution, care, use, and disposal of such books and that the local boards and school trustees shall have the power to make rules for local application; providing for the placing of printed labels on such books and numbering the same and for the keeping of a record of all books issued to each pupil; providing for the fumigation of all books before reissuance; authorizing the sale of books to parents and pupils and to institutions of learning that all moneys accruing from the sale of books and from other sources shall become a part of the State Text Book Fund; providing for the handling of complaints with reference to the prompt delivery of school books and the requisitions for supplementary books; providing that the State Superintendent of Public Instruction shall notify all persons holding contracts with the State for school books that the State has taken over the contracts under

the terms thereof and in accordance with the laws of the State; fixing a penalty for a violation of the Act and providing that the furnishing of the pupil with free text books shall not begin under this Act until the commencement of the scholastic year of 1919-1920, and declaring an emergency.

Be it Enacted by the Legislature of the State of Texas:

Section 1. The State Board of Education is hereby authorized and empowered and it is made its duty to purchase books from the contractors of text books used in public free schools of this State and to distribute the same without other cost to the pupils attending such schools within the State in the manner and upon the conditions hereinafter set out.

Section 2. That in order to carry out the provisions of this Act, the State Board of Education shall annually, at a meeting designated by them each year, set apart out of the available free school fund of the State an amount sufficient to purchase and distribute the necessary school books for the use of the pupils of this State for the scholastic year ensuing.

Section 3. The State Text Book Fund of this State shall consist of the fund set aside by the State Board of Education from the available school fund as is provided for in Section 2 of this Act, together with all funds accruing from the sale of disused books and all moneys derived from the purchase of books from boards of school trustees by private individuals, by schools, or from any other source.

Section 4. The State Board of Education shall require from the State Superintendent, on July first of each year, a report as to the funds necessary for the purchase and distribution and other necessary expenses of school books for the regular session of the following year, and said Board of Education shall have the power to set apart from the available school fund the estimated amount with 25 per cent additional, this additional sum to be used only to meet emergencies or necessities caused by unusual increase in scholastic attendance or by unusual and unforeseen expenses and school conditions. Funds transfer-

red to the Text Book Fund shall remain permanently in this fund, until expended and shall not lapse to the state at the close of the fiscal year; provided, that the State Superintendent of Public Instruction shall be required to include in the aforementioned report to the State Board of Education a statement as to the amount of this fund which is unexpended, and said amount shall be considered by the Board in determining the necessary expenditures for text books for the following year.

Section 5. The purchase and distribution of free text books for the State shall be under the management of the State Superintendent of Public Instruction, subject to the approval of the State Board of Education. All details of plans for purchase and distribution of books not definitely covered by the provisions of this law shall be subject to the laws of the State and approval of the State Board of Education.

Section 6. All parties with whom book contracts have been made shall establish and maintain in some city in the State a depository where a stock of their goods to supply all immediate demands shall be kept; all contractors not maintaining their own individual or separate State agencies or depositories shall maintain a joint agency or depository to be located at some suitable and convenient distributing point, at which general depository each contractor joining in said agency shall keep on hand a sufficient stock of books to supply the schools of the State. Boards of School Trustees of every school district of the State or their legally appointed representatives, shall be entitled to order directly from the State agency or depository herein provided for, and designated by said contractor or contractors as established to comply with conditions of this Act, text-books for use in the schools under the control of said trustees, such books to be purchased in accordance with the terms of this Act, and to be delivered by said depository, all packing, shipping, freight, express, mailing or other charges to be paid by said contractor or depository, to railway station at the town or city in which school is situated, or to railway station designated in the requisition; provided, that the depository shall not be required to fill orders by express or

parcel post except such orders as may be defined by the State Superintendent of Public Instruction as emergency orders. The cost above established freight rate for filling such emergency orders may be added to the price of the books so shipped; provided further that if book contractors have complied with orders from the State Department of Education and have made prompt shipments as required by their contracts, that if the receivers of said shipments fail or refuse to take the shipments from the transportation companies, that the contractors will not be responsible for any demurrage in case of such failure.

Any person, school not controlled by the State, or dealer in any county in the State may order books from the said State agency, or depository and the books so ordered shall be furnished at the same rate and discount as are granted to the State; provided that in such case the State depository or agency may require that the price of books so ordered shall be paid in advance. Upon the failure of any contractor to furnish the books as provided in the contract and in this Act, the county judge in the county wherein such books have not been furnished, shall report the fact to the Attorney General and he shall bring suit on account of such failure in the name of the State of Texas in the district court of Travis county, and shall recover on the bond given by such contractor for the full value of the books not furnished as required, and in addition thereto the sum of one hundred dollars, and each day of failure to furnish the books shall constitute a separate offense, and the amounts so recovered shall be placed to the credit of the State Text Book Fund.

Section 7. The school trustees of each district shall be designated as the legal custodians of the books, and shall have the power to make such arrangements for the distribution of books to the pupils as they may deem most effective and economical; provided that no district shall have the power to make any regulation in regard to text books, which is at variance with the provisions of this Act, or with the regulation of the State, made by the State Superintendent of Public Instruction and

approved by the State Board of Education.

Section 8. Books shall remain the property of the State, and after purchase through requisition according to the provisions of this Act, shall remain in the charge of the district school trustees, as the legal custodians of the books. The district school trustees shall have the power to delegate to their employes such power as to requisitions and distribution of books and the management of books, as in their judgment may be best; provided, that such plans shall not be at variance with the provisions of this law, or with the State Rules for Free Text Books, formulated by the State Superintendent of Public Instruction and approved by the State Board of Education.

Section 9. One or more members or employes of each district board of trustees shall enter into bond in the sum of fifty per cent in excess of the value of the books consigned to them by the State, payable in Austin, Texas, to the Governor of the State of Texas, or his successors in office, said bond to be approved by the county judge of the county in which the school is situated, and by the State Superintendent of Public Instruction and deposited with the State Superintendent, conditioned on the faithful discharge of his duties under his employment and under this Act, and that he or they will faithfully account for all books coming into his or their possession and for all moneys received from the sales thereof; provided that all moneys accruing from the forfeiture of the bonds shall be deposited by the Governor to the credit of the State Text Book Fund.

Section 10. Requisition for books shall be made in the following manner. On the first day of April each teacher shall make report to the principal, of the maximum attendance of his or her grade, or school, if not a graded school. If the school has only one teacher, said report as to maximum attendance of pupils of each grade of work shall be made by the teacher to the board of school trustees and to the county superintendent. In case of unorganized counties, or counties having an ex officio county superintendent, reports shall be made to the State Su-

perintendent. Reports as to the maximum attendance for the school shall be made not more than one week subsequent to the first school day of April by the principal to the city or town superintendent or by the principal to the county superintendent if the school is not situated in a city or town. The city or town superintendent of schools shall compile reports of principals and make report to the State Superintendent of Public Instruction. The county superintendent shall make such report to the State Superintendent of Public Instruction as to the maximum attendance of each rural school of his county as will designate the number of text books of each grade and kind, to which each rural school of his county shall be entitled. Reports as to the maximum attendance of each school under their direction shall be made to the State Superintendent of Public Instruction by the aforesaid superintendents of cities, towns, and counties, not later than April 25th, provided that should the school close before this date, it shall be the duty of the teacher to file with the county superintendent and with the board of school trustees reports complying with the provisions of this Act. Blank forms for reports and for requisitions of text books shall be furnished to all boards of school trustees by the State Department of Education. Requisitions for books shall be based on said reports as to the maximum number of scholastics in attendance the preceding school session, plus an additional fifteen per cent, and such requisitions shall be made through the State Superintendent of Public Instruction and by him furnished to the State Depository designated by contractors of books not later than June 1st of each year, provided that in cases of unforeseen emergency the State depository shall fill small orders for books on requisition approved by the chairman of the district board of school trustees, such requisition subsequently to be sent promptly for approval to the State Department of Education. One copy of each text-book used in the work taught by the teacher shall be issued by the school trustees, or their representatives, to each teacher as a desk copy, such books to be returned

to the trustees or their representatives at the close of the session.

Section 11. Bills for text books purchased by the State on requisitions as provided for in Section 10 of this Act shall be paid by warrants on the State Treasury made by the State Department of Education and approved by the State Superintendent of Public Instruction. Such payment shall be made within ninety days from date of delivery and if payment be delayed thereafter, 6 per cent per annum shall be added until date of payment. The State Department of Education shall issue to each school district warrants to the value of five per cent of the contract price of books supplied to said district, this sum to be paid from the Free Text Book Fund, to cover the cost of care of the books and the cost of distribution of the books to the public of said districts.

Section 12. Teachers and school officers must make such reports as to the use, care and condition of free text books as may be required by the local trustees or by the State Department of Education. The salary for any month of any teacher or employee who neglects to make such report at the proper time, may be withheld until each report be received in a condition satisfactory in form and content. Text books shall be subject to inspection by any inspector or agent authorized by those having charge of the local text book service, or authorized by the State Superintendent of Public Instruction subject to the approval of the State Board of Education; provided that inspectors authorized by the State Department of Education shall be those in regular employment as high school inspectors, rural school inspectors, or inspectors of vocational education.

Section 13. Specific rules as to the requisition, distribution, care, use, and disposal of books may be made by the State Superintendent of Public Instruction subject to the approval of the State Board of Education; provided that such rules shall not conflict with the provisions of this Act, or with the uniform text book law under the terms of which contracts for supplies, books are made with the publisher or with the terms of said contract. No teacher or employe of the school engaged

in the distribution of text books under this law as the agent or employe of the State, or of any county or district in the State shall, in connection with this distribution, sell or distribute, or in any way handle, any kind of school furniture or supplies, such as desks, stoves, blackboards, crayon, erasers, pens.

Section 14. All books shall have printed labels pasted on both inside covers; said label to be supplied by the State Department of Education. Each school shall number all books, placing the number on these labels. All teachers shall keep a record of the number of all books issued to each pupil. All books must be covered by the pupil, under the direction of the teacher. Books must be returned to the teacher at the close of the session, or when the pupil withdraws from school. Each pupil or its parent or guardian, shall be responsible to the teacher for all books not returned by the pupil and said pupil not returning all books delivered to him or her shall not be entitled to the benefits of this Act until said books are paid for by said parent or guardian.

Local boards of trustees shall make provision for the fumigation of books before the re-issue of the books. Covers of all books shall be removed before re-issue, and the pupil to whom the book is issued shall replace cover, under the direction of the teacher.

Section 15. Books may be bought from the local boards of trustees by pupils or parents of pupils attending the public schools of the State, said boards to furnish the books at the retail contract price. Any book may be purchased from the State depository designated by the contractor holding the contract for said book, by State Institutions or by private schools, or church schools, such purchase to be made on the same terms as those given to the State for the same book. All money accruing from sales of books by district boards of school trustees shall be forwarded to the State Text Book Fund not later than one month after the sale.

Section 16. For the next two school sessions after the passage of this Act, all district boards of school trustees or their legally appointed representatives, shall be empowered

to pay to any pupil one-half of the exchange price of any adopted text book in use the preceding year, on delivery to the teacher of the said book, provided that the same privilege of surrendering to the State the adopted books in previous use during the scholastic year preceding the change of books and receiving therefor one-half of the exchange price of books, shall be accorded to cities, towns, or districts, which, previously to the passage of this Act have owned and furnished free text books to the pupils. Bills for the re-payment to the school district of such purchases shall be attested as correct before a notary public by the chairman of the district board of trustees, or by his legally appointed representatives approved by the State Superintendent of Public Instruction, and paid on warrants on the Text Book Fund issued by the State. Each district shall be allowed warrants to the amount of five per cent of the aggregate exchange price of all books turned over by the district to the book contractors and accepted by them in exchange for new books, this sum being set apart to pay cost of handling and packing books, and transportation to the nearest railway station.

Section 17. The State Superintendent of Public Instruction with the approval of the State Board of Education, may provide for the disposition of such text books as are no longer in a fit condition to be used for purposes of instruction; provided that the district board of trustees shall retain a sufficient number of each text book to be used as exchange copies in case of change of the adopted text book, and provided that whenever it should become practicable to sell such old text books for use in the manufacture of paper, pulp or similar substances, the highest price obtainable shall be secured by bids and money accruing from the sale shall be deposited to the credit of the State Text Book Fund. In case of the disuse of books in fair condition, inspectors of the State Department of Education may require the continuance of the use of said books.

Section 18. Complaints in regard to text-book service shall be made both to the State Superintendent and to the State depository designated by

contractors of the books. In case such complaint does not receive reasonably prompt attention, complaint shall be taken to the county judge, who shall proceed in accordance with the provisions of this Act (Section 6). Trustees of unorganized counties shall make complaint to the county judge of the county to which said unorganized county is attached for judicial purposes.

Section 19. In making requisitions for supplementary books, teachers shall designate their first, second, third choice, etc., to the limit of the sets of supplementary books adopted, and such reports shall be furnished to the State Superintendent, and said supplementary books shall be issued according to rules prescribed by the State Superintendent of Public Instruction. Requisitions for supplementary books may be made at convenient times during the session, but must be made within one month in advance of the time the books will be needed.

Section 20. Immediately upon the taking effect of this Act, it shall be the duty of the State Superintendent of Public Instruction to notify all parties holding contracts for the sale of text books for use in the public schools of this State to the effect that the State of Texas has taken over the contracts now existing and will purchase books thereunder according to their terms.

Section 21. A wilfull violation of any provision of this Act by any person other than text book contractor shall be a misdemeanor punishable by fine of not less than \$5.00 nor more than \$100.00.

Section 22. The furnishing to the pupils and patrons of the schools of this State of free text books shall not begin under the terms of this Act until the commencement of the scholastic term of 1919-1920.

Section 23. All necessary expenses incurred by the operation of this Act incident to the enforcement of this law shall be paid from the State text book fund herein provided for upon bills approved by the State Superintendent of Public Instruction, and shall be paid upon warrants drawn by the Comptroller upon the Treasury of the State.

Section 24. Should any sections or any part of this Act be declared unconstitutional it shall not affect any other part of this Act.

Section 25. The fact that the people of this State at the last general election amended the Constitution of this State to provide for free text books for the school children of this State, and that there is an urgent demand that a law be passed putting the constitutional amendment into effect, creates an emergency and an imperative public necessity demanding the suspension of the rule requiring bills to be read upon three several days, and such rule is so suspended and this Act shall take effect from and after its passage, and it is so enacted.

THIRTY-FIRST DAY.

Senate Chamber,
Austin, Texas, Feb. 25, 1919.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor W. A. Johnson.

The roll was called, a quorum being present, the following Senators answering to their names:

Alderdice.	Hall.
Bailey.	Hertzberg.
Bell.	Hopkins.
Buchanan of Scurry.	Johnston.
Caldwell.	McNealus.
Carlock.	Page.
Clark.	Parr.
Cousins.	Smith.
Dayton.	Strickland.
Dean.	Westbrook.
Dorough.	Williford.
Dudley.	Witt.
Faust.	Woods.
Floyd.	

Absent—Excused.

Buchanan of Bell. Sulter.
Gibson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Faust.

Excused.

Senator Sulter was excused for to-day on account of important business, on motion of Senator Hopkins.

Petitions and Memorials.

See Appendix.